

Meeting of 2006-7-11 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 11, 2006 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor John Butler, Beal Heights Presbyterian Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
Janice Drewry, Ward Three
Keith Jackson, Ward Four
Robert Shanklin, Ward Five
 Jeff Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

PROCLAMATION FOR RODEO DAYS

Mayor Purcell stated it is that time of the year for Lawton s Birthday celebration and the Lawton Rangers Rodeo. He made a presentation to representatives from the Lawton Rangers proclaiming August 9, 10, 11, and 12 as Lawton s Rodeo Days 2006. He thanked the Lawton Rangers for all their hard work all year long.

Wayne Bales, Lawton Rangers, thanked the sponsors and everyone involved.

Mayor Purcell presented a Certificate of Recognition to the John Kennedy family for the 100th birthday of their family business, Kennedy and Company.

AUDIENCE PARTICIPATION:

Donna Durbin, 1811 NW Ozmun, distributed pictures of her property and city property. She stated for the past eleven years she has taken care of the city s property. She stated after the construction on Rogers Lane and the construction crews left, the city told her they would not clean it up because they had leased it to the State. The State told her they had leased it to the contractors. She received a letter from Neighborhood Services this week because you can see her trash cans in front of her home. She moved them into her back yard, which is still against city code. She feels this code needs to be changed.

Warren questioned why the city was not taking care of this property.

Mitchell stated they need to find out if the right of way has been transferred back from the State.

Mayor Purcell questioned if trash cans in the back yard is a city violation.

Vincent questioned if a code citation was listed in the letter. He stated they would have to look into the issue.

Mayor Purcell stated staff would be in touch with Ms. Durbin.

Victoria Sanford stated on July 27th her daughters and two other girls were walking across the street from their

apartment and a man tried to kidnap her daughter. She stated they need to change to law. This man was not on his medication and because of city and state law, this man cannot be held responsible for his actions. The law she would like to change is Title 43A-4011C.

Haywood questioned what school she was talking about.

Ms. Sanford stated Cleveland Elementary.

Shanklin stated Ms. Sanford called him and he asked her to attend this meeting in hopes of a response. Just because this individual is not on his medication, that does not give him free reign.

Chief Ronnie Smith, Lawton Police Department, stated he has spoken with staff at Taliaferro Mental Health Center and there is some treatment going on with this individual. He stated they did issue him a citation for grabbing the girl. He has told officers to keep an eye out for him if he is around the school.

Shanklin stated he does not have the money to buy his medication. He could be dangerous.

Haywood stated there is a program at Comanche County Memorial Hospital that will help with free medication.

Mayor Purcell stated they can lobby state legislators to change this state law.

Robert Wiley, 707 Arlington, stated he understands that it is illegal to shoot off fireworks in the city limits. On the night of July 4th there were fireworks going off and as a result, one of his dogs escaped. He feels it is not fair that he has to pay a large fine when those who shot off the fireworks get nothing.

Shanklin stated there were animals that were scared and escaped from the fence because of the fireworks. He feels they should negate the fine.

Warren stated they need to address the issue of the larger display of total disregard of the City Code. He stated no one wants to ban fireworks, but if there are many more incidences like this year, they will not have a choice. There was no control and he suggested next year they deal with this as a littering fine.

Mr. Wiley stated he was concerned about how dry it was and the danger of fire.

Haywood stated as long as fireworks are sold in the city of Lawton, they cannot stop people from shooting them off in the city limits.

Warren stated there are numerous states that have banned the sale, possession and ownership of those items across the border.

Mayor Purcell stated next year they need to look at enforcing this a little more. He asked Chief Hadley to remind the City Council next year to look at this issue.

Shanklin questioned if they were going to abate Mr. Wiley's fine and any others that were picked up on July 4th or 5th.

Drewry stated her dog got so scared that he pushed his head through her fence and took off. Fortunately she found him before he was picked up.

Vincent questioned if they were looking at the impound fee or the fine.

Mr. Wiley stated he just paid the impound fee. Someone picked up his dog and took her to the pound.

Vincent stated the Council can approve a claim without going through the resolution process. Those persons who had dogs lost on July 4th need to file a claim in the City Clerk's office. He stated they can go through the same process for those ticketed with parking on the grass.

Shanklin questioned how they need to do this.

Mayor Purcell stated if the City Council agrees tonight, the City Manager will follow the direction.

Jackson stated they just need to ask the newspaper to get the information out there that they will waive the impound fee for the nights of July 4th, 5th and 6th and they need to come to the City Clerk's office to file a claim to recover the money.

Mayor Purcell questioned if any member of the Council does not want to direct the City Manager to refund the impound fee for any dogs picked up the night of the 4th, 5th and 6th.

No one objected.

Mitchell stated he believes in order to give someone a citation on shooting fireworks, the officer has to witness them actually lighting the fireworks.

Chief Smith stated the only thing they can do is find a witness who is willing to sign a citation, then they can make an arrest.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

MOVED by Jackson, **SECOND** by Warren, to approve the Consent Agenda items as recommended. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: Shanklin. **MOTION CARRIED.**

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Stephen & Julia Kelsch in the amount of \$219.32, Arturo & Nora Dela Rosa in the amount of \$7,257.78 (**Res No. 06-113**). Exhibits: Legal Opinions/Recommendations.

2. Consider the following damage claims as recommended for denial: David & Gina Voegtlin in the amount of \$1,579.64, Kimiko Newport in the amount of \$321.09. Exhibits: Legal Opinions/Recommendations.

3. Consider approving a Raw Water Purchase Agreement between the City of Lawton and Charley & Doris Snyder, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Location Map. Raw Water Purchase Agreement is on file in the City Clerk's Office.

4. Consider denying a request from Mark Skinner for an 80 foot wide Permanent Road and Utility Easement across City owned property at Lake Lawtonka; and if approved, authorize the Mayor and City Clerk to execute the Easement upon the receipt of a survey and legal description acceptable to the City staff. Exhibits: Request letter.

5. Consider authorizing a Resolution of Necessity for acquiring and owning the water rights to the property comprising the watershed of Lake Lawtonka. Exhibits: **Resolution 06-114.**

6. Consider setting a date of August 22, 2006, to hold a public hearing and consider an ordinance closing public utility easements on Lots 1, 2, 3, and 4, Block 3, Erwin Acres Addition also known as 2506 NW Cache Road. Exhibits: Application, Location Map, Site Plan and Council Policy 5-1.

7. Consider approving the replat for Lot 1, Block 3, Boyles Landing, Section 2. Exhibits: Replat of Lot 1, Block 3, Boyles Landing, Section 2.

8. Consider approving the record plat for Seven Up Bottling Company, a Replat of Part of Block 1 and Block 2, Trope s Five Acre Blocks. Exhibits: Plat Map.

9. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City and Transit Trust to provide funds for the operation of a public transit system and authorize the Mayor and City Clerk to execute the same. Exhibits: Cooperative Agreement and Limited Funding Agreement.

10. Consider adopting a Resolution authorizing the installation of traffic control signals at the intersection of SW Lee Boulevard and 27th Street. Exhibits: Traffic Commission Minutes, Traffic Issue Request and **Resolution No. 06-115.**

11. Consider adopting Street Light Resolution No. 446 to authorize the removal/installation of street lights at various locations listed in the Resolution. Exhibits: Street Light Resolution No. 446.

12. Consider denying a request for the installation of a 3-Way STOP at the intersection of NW 47th Street and Meadowbrook Drive. Exhibits: Traffic Commission Minutes and Traffic Issue Request.

13. Consider accepting the East Gore Boulevard and Cache Road/Ft. Sill Boulevard Bridge Improvement Project #2005-2 as constructed by Gibson & Associates, Inc. and placing the Maintenance Bond into effect. Exhibits: None.

14. Consider approving a Memorandum of Agreement between Oklahoma State Department of Health and the City of Lawton for Public Health Services and authorize the Mayor and City Clerk to execute the document. Exhibits: Memorandum of Agreement.
15. Consider approving the amendment to Council Policy 13-1, Suspected Fraudulent Activities, Misappropriations, Improper Actions and Similar Activities. Exhibits: Proposed Policy 13-1, Attachment A Employee Acknowledgment Form (current employees), and Attachment B Employee Acknowledgement Form (new employees).
16. Consider awarding (CL06-058) In-Line Hockey Rink Surfacing System to Mateflex of Utica, New York. Exhibits: Abstract of bids and department recommendation.
17. Consider awarding (CL06-060) Debris Grinder to JWC Environmental of Santa Ana, California. Exhibits: Abstract of bids and department recommendation.
18. Consider extending the contract (CL04-068) Hydraulic Pump & Cylinder Repair with Horizon Hydraulics, Inc. of Oklahoma City, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form.
19. Consider extending the contract (CL05-058) Temporary Workers with Direct Staffing Solutions, Inc. of Lawton, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form.
20. Consider extending the contract (CL05-059) Liquid Chlorine with Altivia Corporation of Houston, Texas. Exhibits: Department Recommendation, Contract Extension Form.
21. Consider extending the contract (RFPCL05-061) Banking Services with IBC Bank of Lawton, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form.
22. Consider extending the contract (CL05-062) Liquid Sulfur Dioxide with Brenntag Southwest of Sand Springs, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form.
23. Consider approving appointments to boards and commissions. Exhibits: None
24. Consider approval of payroll for the period of June 19- July 2, 2006. Exhibits: None.

BUSINESS ITEMS:

25. Hold public hearings and adopt resolutions declaring the structure(s) at 1008 S.W 6th Street, 212 N.W. Columbia Avenue, 104 N.W. Bell Avenue, 307 N.W. Euclid Avenue, 1401 N.W. Baldwin Avenue, 6405 N.W. Elm Avenue and 1614 S.W. Douglas Avenue To be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Seven Resolution. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

1008 SW 6th Street: Griffith presented photographs of the property. The exterior surface lacks protective treatment. Exterior walls have holes.

Haywood stated he has talked with Mr. White and told him the City Council would probably condemn this house. Mr. White did clean up the front yard.

Griffith stated he drove by today and the structure is still in the same condition. The owner did remove the bee nest, but it now has a hole in the wall.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, **SECOND** by Givens, to approve **Resolution No. 06-116** and declare the structure at 1008 SW 6th Street to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

212 NW Columbia: Griffith presented photographs of the property. The structure has been without utilities since September 2003 and is vacant. The roof is caving in allowing water into the interior.

Shoemate questioned if this was on the agenda last year.

Griffith stated there have been several attempts to bring it to Council.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, **SECOND** by Drewry, to approve **Resolution No. 06-117** and declare the structure at 212 NW Columbia to be dilapidated and a public nuisance. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

104 NW Bell: Griffith presented photographs of the property. The structure has been without utilities since October 2001 and is vacant. The exterior surface lacks protective treatment. Exterior walls have holes. Door assembly is in poor condition.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, **SECOND** by Jackson, to approve **Resolution No. 06-118** and declare the structure at 104 NW Bell to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

307 NW Euclid: Griffith presented photographs of the property. The structure has been without utilities since November 2005 and is vacant. The exterior surface lacks protective treatment. Exterior walls have holes.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, **SECOND** by Jackson, to approve **Resolution No. 06-119** and declare the structure at 307 NW Euclid to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

1401 NW Baldwin: Griffith presented photographs of the property. The structure has been without utilities since September 2003 and is vacant and unsecured. The exterior surface lacks protective treatment. Exterior walls have holes. This presents a serious risk to the community.

Jackson stated most of these are in bad shape. He questioned why it took so long to get to the City Council.

Griffith stated they have approximately 120 structures on the D&D list. If they go to condemn every structure in one session, the City Council would be here for three or four days. Staff balances the work flow. It is a lengthy process that involves litigation.

Jackson stated that it is a shame because the community is the one who suffers with nonsense like this in their neighborhood.

Griffith stated they are making some progress. Since January 1st they have torn down in excess of 65 structures in Lawton. Funding is also a concern, it would take about \$2 million to make a difference.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, **SECOND** by Jackson, to approve **Resolution No. 06-120** and declare the structure at 1401 NW Baldwin to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

6405 NW Elm: Griffith presented photographs of the property. The structure has been without utilities since July 2002 and is vacant. This is a fire damaged structure. He has been unable to encourage the property owner to obtain a permit and bring the building up to standard.

Warren stated he talked with an involved party and explained the process. They indicated to him that is what they wanted to do. The property has been this way for a couple of years.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Warren, **SECOND** by Jackson, to approve **Resolution No. 06-121** and declare the structure at 6405 NW Elm to be dilapidated and a public nuisance. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

1614 NW Douglas: Griffith presented photographs of the property. The structure has been without utilities since November 1997 and is vacant. Staff has had to secure the building several times in the past. It is a nuisance within the community.

PUBLIC HEARING OPENED.

Lilly Jones, 2101 SW N. H. Jones Avenue. She stated this year she had a homeless man living in the house and the lights were turned on. He did some work on the inside, but he left. She stated she would like to live in this house and bring it up to city code.

Haywood stated she would have thirty days to get that permit.

Vincent explained the process.

Rose Mattioli, 3431 NW Oak, stated there are church groups that come in and work on homes.

Haywood stated there are four churches working on houses, but there is extensive work to be done on the inside. She may be able to qualify.

Ms. Mattioli questioned if the permit cost money.

Vincent stated it depended on the extensive nature of the work. Staff will have to go in the home and see what needs to be done.

Ms. Mattioli questioned why they would put the owner into the situation of having to spend money that she does not have.

Jackson stated that is not the business of the City of Lawton. If the house is dilapidated it is your responsibility to seek out ways to help.

Shanklin stated at one time we didn't even go into the building. If that house is dilapidated and we don't go in to inspect it and it burns down, who is responsible. If we allow a haphazard remodel and it catches on fire and kills someone, he feels the City of Lawton is responsible. That would be the reason he would think you would want to go through the process.

Ms. Mattioli stated they should consider the owners situation.

Jackson stated by the time these properties get to the City Council, the utilities have been turned off for five to nine years.

Ms. Mattioli stated if that is the only place she has to live, they should give her a chance to update it.

Mayor Purcell stated he did not believe she was living in the property.

PUBLIC HEARING CLOSED.

MOVED by Haywood, **SECOND** by Jackson, to approve **Resolution No. 06-122** and declare the structure at 1614 NW Douglas to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. **MOTION CARRIED.**

26. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Professional Office to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 3414 and 3422 NW Cache Road. Exhibits: Resolution No. 06-___, Ordinance No. 06-___, Location Map, Site Plan, Applications and CPC Minutes.

Richard Rogalski, Planning Director, stated this request is for Lots 3 and 4, Block 7, Greer Addition, Plat No. 2, which measure 223' x 364'. The applicants, Michael Gill and Roderick Takewahpoor, are also the property owners. The zoning of the surrounding area is R-1 to the north, south, east and west. Across NW 38th Street the zoning is C-5 (General Commercial District). The land use of the surrounding area is single-family residential to the north, south, east, and west with IHOP and Kmart being across NW 38th Street. The current land use of these lots is single-family residential. The proposed use is retail. The 2025 Land Use Plan designates Block 7 of Greer Addition as a transition area which is projected to convert from low density residential to professional office land use beginning in 2010.

Over the years there have been several requests to zone this area and it is evident that this area has potential for some kind of a development. During CPC there was discussion about the transition and there was some consideration that professional office was not an intense enough use. For good planning purposes, they would like to see the whole block be rezoned and some transitional zoning on the south side of Oak. Something that would be able to buffer the intense use along Cache Road. With just two lots there is a significant devaluation. The problem with C-1 office is it is not very protective of the adjacent residences. During the course of the CPC meeting, it was discussed that it would be better if the whole thing went. If that is not possible, there is another option. He

presented a draft of a transitional zoning district. Some time ago, the City Council requested that the Planning Division come up with a transitional zone that gives us an ability to rezone properties like this and have a binding site plan and it allows some of the commercial uses but it provides the ability that those uses be mitigated at the meeting and put in at the time of the rezoning. The residential areas are protected in that process. That is why staff is recommending denial of this request.

On May 25, 2006, the City Planning Commission held a public hearing on this request. During the public hearing five persons spoke against the request and two persons spoke in favor of the request. The consensus of the property owners to the south on Oak Avenue is that they would not object if the proposal was for the whole block, but they did not want piecemeal commercial development. The CPC, by a vote of 8 - 0, recommended denial of the request agreeing with the neighbors that the entire block should be developed as one commercial project.

PUBLIC HEARING OPENED.

Geneva Kirkpatrick, 3403 NW Oak Avenue, stated they are very opposed. The request includes property to the rear of her property.

Rose Mattioli, 3431 NW Oak, stated she has done this now for twelve years. She stated they have had several contracts signed in the twelve years, but they all fell through because the developer could not buy the whole block and sometimes the property owners did not want to give up the homes. Every so often new contracts are signed. She would like them to take all or nothing. She suggested they take the 1100 to 1200 block of Gore which is dilapidated. She stated this is not the only residential area on Cache Road and why should they be forced to make this a business zone.

Bill Frazier, 3419 Oak, stated his property is directly behind 3414 Cache. He stated they have been at this for twenty years. They are not opposed to going commercial in the plat, but they have never gotten there with an agreement. He does feel that it should go as a block, not piecemeal it and spot zone it. They have to recognize that the plat is fifty years old as is the infrastructure. A developer is going to have to do a lot of work to support a commercial development. He stated the TIF program would be a logical thing to give contractors the ability to bring it up to spec. He stated if this development goes through, they would have two acres of concrete and asphalt. He cannot imagine how much water is going to run off into his backyard. He encouraged the City Council to turn this down and stick with the original plan.

Mayor Purcell questioned if Mr. Frazier was saying this he would not object if the Council rezoned all ten lots.

Mr. Frazier stated there are twenty pieces of property in Greer II, which would include both sides of Oak and Cache Road.

Mayor Purcell questioned if he was also talking about all the lots on the south side of Oak.

Mr. Frazier stated yes. There will not be enough room if they cut the other four or five acres out.

Shanklin stated he has been in on three of these deals. He questioned if they have tried, as a group, to get together and do the whole thing.

Mr. Frazier stated they have with no success. They continue to find one or two residents who will absolutely not negotiate. He stated that those who did not negotiate last time are ready this time. Usually someone will back out. He still feels that a TIF will work.

Shanklin stated those are the only pieces of property on the South side of Cache Road that are still residential and he can see going for all of it. He stated if this thing passes, he does not think this will be built. It is just a power play to get it all rezoned.

Mr. Frazier stated if the developer gets it rezoned, he could go in and build a three story structure and there is nothing they can do about it.

Shanklin stated if this goes, it will all go. He questioned if it could all be rezoned tonight.

Vincent stated no, they have only advertised for the two pieces of property. If they are going to do the whole block, they would have to readvertise to meet the state statute requirements.

Shanklin stated he appreciated the 2025 land use plan, but the Council has the authority to go through the process and rezone the whole area.

Patton stated, when the time comes, he would like to make that motion that they grant the rezoning request and direct staff to go through the process and have the remainder rezoned.

Shanklin stated he feels it would make the property more valuable.

Mr. Frazier stated that is a gamble. He stated that staff was directed to come up with a plan to make this transition and now the Council is going to completely ignore it.

Warren questioned if they had the ability to approve these two tracts and direct staff to administratively rezone the rest.

Vincent stated it will still need to be readvertised and have to go back to the planning commission.

Warren questioned how long it would take to do this.

Vincent stated it could take from 60-90 days.

Shanklin stated he attended a 2025 land use plan meeting and they rezoned some of this arbitrarily.

Vincent stated the 2025 land use is a resolution indicating what we think the use of the property should be at some point in the future. It is required that the resolution comply with the zoning in the future, not today. That is just step one, you still have to do the zoning ordinance.

Michael Gill, 3422 NW Cache Road, stated he is in support of the rezoning. He stated this is the only block on the South side of Cache Road that hasn't been developed. The area is suitable for business. The single most important factor in any residence is owner participation and owner upkeep. They have had more than three occasions to come together as a group to try to have a lot deal. There were some people that were asking outrageous prices for their property and it does not seem to be a viable situation. He requested that the City Council let them start here and develop in a way that all the other lots can develop with them. They are not going to build a tavern or a gas station, the city does have some control. The developer is going to come back to the City Council in the future and ask for permission to build in other places. His reputation is on the line. The other property owners are looking for a sure deal or they want nothing. They are willing to take a chance and make some investment in Lawton.

Drewry questioned if this could be rezoned based on the site plan. They have been asking for that.

Vincent stated at this time the City of Lawton does not have binding site plan requirements. We are not prohibited from having it, we just don't have it.

Shanklin stated he was surprised we don't have it.

Rogalski stated they have been working on that transitional zone draft and it needs to go through the CPC. He stated the PO zone was created as a transition zone, as a buffer for an area that is going commercial and the adjacent residential structures. The PO zone is extremely limiting and is designed to prevent the encroachment that devalues the adjacent property. That is what they are trying to do with this TR zone and it would require a binding site plan.

Patton stated this is Mr. Rich's commitment to the community and this will not be the only building he has or ever will build in Lawton.

Jackson stated he is getting the feeling from some of the residents of that area that if they rezone the area some magic development will come in and be forced to buy up everyone's property and build this huge shopping center. This probably will still not happen. Even though this property, as a block, may be zoned C-5 it can still hold up any block wide project that any developer wants to have.

Steve Rich, developer, stated the facts are on the table and they are going to do what is in the information that has been provided. This will be a \$2.5 million expenditure into the community and it is not feasible to do the entire project at one time. They are looking at \$6 worth of property and that is just for the land. He stated they want to put their personal businesses at this location.

Haywood questioned the height of the buildings.

Mr. Rich stated the exterior wall height will be around 10' plus the pitch of the roof. They are looking at a maximum of 20'. They want to do something like a stone fence that will protect the neighbors in the back. They want to be considerate to those around. Their ultimate goal may be to develop all of this property, they just don't have the resources at this time.

Ms. Mattioli questioned what kind of stores were going into the development.

Patton stated there is a hair salon, insurance agency, clothing store, etc.

Ms. Mattioli stated they are talking about two acres of land. She questioned if there was enough parking for people to come in and out of the area.

Patton stated there are codes that will state how many parking spots are required.

Ms. Mattioli questioned why they were not talking about Atlanta on the north side of Cache Road. She is concerned how they are coming in and out of the parking lot, when they are open and how much noise there will be.

PUBLIC HEARING CLOSED.

Warren questioned if they could direct staff to also look at Atlanta to Cache Road and 38th to 34th Street. He stated they could always change it, but this would give them the opportunity to do it all.

MOVED by Patton, **SECOND** by Drewry, to approve **Resolution No. 06-123** and **Ordinance 06-44** waive the reading of the ordinance, read the title only and direct staff to look at administratively rezoning South block of Atlanta to North block of Oak from 34th to 38th Street. AYE: Warren, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: Shoemate, Givens. **MOTION CARRIED.**

(Title read by City Attorney) Ordinance 06-44

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification on the tract of land located at 3414 and 3422 NW Cache Road, which is more particularly described in Section One authorizing changes to be made on the official zoning map in accordance with the ordinance.

27. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Commercial and an ordinance changing the zoning from A-2 (Suburban District) to C-2 (Planned Neighborhood Shopping Center District) zoning classification located at 701 SW 52nd Street. Exhibits: Resolution No. 06-___, Ordinance No. 06-___, Location Map, Site Plan, Applications and CPC Minutes.

Rogalski stated this 4.361 acre tract is located immediately south of the railroad tracks on the west side of SW 52nd Street. The applicant, Mr. R. Warren Waggoner, has a 55-year lease from the State of Oklahoma Commissioners of the Land Office, and said lease is for commercial use.

The zoning of the surrounding area is A-2 and A-1 (General Agricultural District) to the north, A-2 and F (Floodplain District) to the south and west, and R-1 (Single-Family Dwelling District) and C-1 (Local Commercial District) to the east. The land use of the surrounding area is agriculture to the north, south, and west, and single-family residential and a church to the east. The proposed use is miniwarehouses

On June 8, 2006, the City Planning Commission held a public hearing on this request. During the public hearing one person spoke in favor of the request, and no one spoke against the request. The CPC, by a 8 - 0 vote, recommended approval of the request.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Shanklin questioned when is it projected that we will do 52nd Street from Gore to Lee.

Jerry Ihler, Public Works Director, stated they have been able to put together funds out of the 2005 CIP to do 52nd Street from Gore to end of Eisenhower High School. There is not enough funds to go to Lee Boulevard. They hope to start construction end of next summer.

Shanklin questioned if they had an engineer.

Ihler stated they were going to design that portion in house because it was such a small portion.

MOVED by Haywood, **SECOND** by Shoemate, to approve **Resolution No. 06-124** and **Ordinance 06-45** waive the reading of the ordinance, read the title only. AYE: Shoemate, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. ABSENT: Givens. **MOTION CARRIED.**

(Title read by City Attorney) Ordinance 06-45

An ordinance changing the zoning classification from the existing classification of A-2 (Suburban District) to C-2

(Planned Neighborhood Shopping Center District) zoning classification on a tract of land located at 701 SW 52nd Street, which is more particularly described in Section One authorizing changes to be made upon the official zoning map in accordance with the ordinance.

28. Consider authorizing the purchase of a replacement pump and appurtenances for the pump station located at Lake Ellsworth. Exhibits: June lake levels for Lake Lawtonka.

Ihler stated the Ellsworth pump station has been down for the last few weeks for repairs. Last year they had one pump that was out for about five months and this year it will be a two and a half month process where this same pump is out. The Ellsworth pump station is a critical part of the entire water system where they are able to pump water from Ellsworth into Lake Lawtonka. Those pumps are both well over forty years old. They are asking that they be allowed to utilize distribution money in the 2005 CIP to purchase a new pump and replace this pump.

Patton questioned the cost.

Ihler stated it would be \$250,000 to purchase the pump. They are looking at a eight month delivery time.

Warren questioned if we could rebuild and use the current pump.

Ihler stated the intent is to utilize that existing pump as a back up. If one goes down, they can set another down into that slot.

MOVED by Shanklin, SECOND by Jackson, to authorize the purchase of a pump and appurtenances at the Lake Ellsworth Pump Station. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. ABSENT: Givens. **MOTION CARRIED.**

29. Consider an ordinance amending Section 22-2-1-218, Division 22-2-1, Article 22-2, Chapter 22, Lawton City Code, 2005, by establishing penalties for violations of Stage 2 or Stage 3 restrictions and define customer for purposes of this section, providing for severability, and declaring an emergency. Exhibits: Ordinance 06-____.

Vincent stated there is an existing water conservation ordinance and it contains mandatory turn offs for violations in stage 2 or stage 3. He stated they may have a problem enforcing this issue in District Court if they did not give notices prior to terminating someone's water for violation. This proposal would provide for notices both in town and to outside water sales customers with a graduated penalty clause. The water rate penalty is the same both in town and out of town. They do not have the ability to write tickets to out of town customers. He stated Mr. Kinslow, who represents several of the outside water customers, sent an email requesting permission to speak on this issue. He stated in this ordinance the outside water master meter contract customer will be the responsible party. It would be up to them to enforce their customers.

John Kinslow, 202 NW Fort Sill Boulevard, stated he is here on behalf of Rural Water District #1, #2, #3, the City of Geronimo, the town of Medicine Park and the Pecan Valley Water Association. He requested clarification on the master meter contract customer responsibility.

Vincent stated our contract is with the person that is responsible at the master meter. We do not have the ability, as a city, to go beyond that master meter. We would notify the district, town, city, of the violation.

Mr. Kinslow questioned if customer A violates stage 2 or stage 3, the city will impose the penalty on the reseller.

Vincent stated he would impose the penalty at the master meter. He stated it would be incumbent upon the president of the water association or the chairman of the rural water district to make sure that their customers comply with the water requirements.

Mr. Kinslow stated that sounds good and fair. He stated his clients would like to work with the city so that the rationing would be effective outside the city limits as well as inside. He requested the City Council not act upon this issue tonight and give he and his clients an opportunity to meet with city staff and come up with something as effective as what they are trying to do now, but would not penalize the resellers because of an act of someone who is a customer. The reseller cannot prevent the customer from violating the rationing restrictions. They can only take action after the fact. He would propose a parallel system where they would impose penalties comparable, maybe even a little more excessive.

MOVED by Shanklin, SECOND by Haywood, to table for 30 days. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. **MOTION CARRIED.**

Jackson stated he hopes we don't enter a period where we need to enforce stage 2 and stage 3 water restrictions.

Vincent stated they already have a conservation ordinance on the books.

30. Consider discussing the options to aid in Citywide refuse services, i.e. Spring and Fall clean-up. Exhibits: Alternatives.

Ihler stated the City Council requested staff to take a look at some alternatives to address the current spring and fall clean up by adding some additional clean up sessions. Staff provided three alternatives. Alternative One provides for adding one two-week session in August. They moved the October session to December so they are spaced out every four months. The cost for this alternative would be \$4,000. Alternative Two would add two more periods but would only provide a Thursday and Friday in July and in January. This cost would be \$2,500. The third alternative would take the current two week spring and fall clean up and make those only one week.

Jackson stated as a councilmember who lives in those areas being inundated with the new trash system, which has been a positive move in the area, the biggest problem in those areas is there is not enough pick up for the larger items that cannot go into the trash cans. He requested this issue come back to the City Council for additional clean up dates. He would like to see Alternative Three which would give at least a week s worth every quarter. He would actually like to see two weeks every quarter which would cost \$8,000.

Patton stated he thinks they get more out of Alternative Two. You still get a pick up every quarter.

MOVED by Patton, **SECOND** by Haywood, to approve Alternative Two.

Shanklin stated we went from picking up everything on the sidewalk to what we have right now. He stated we are getting a dirtier city, just by looking at the alleyways.

Jackson stated doubling Alternative Three would give two weeks per quarter. That is the ideal situation.

Warren stated that \$8,000 would be a small amount to pay for what they are going to get.

SUBSTITUE MOTION by Warren, **SECOND** by Jackson, to double the weeks in Alternative three at a cost of \$8,000. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Haywood, Warren. NAY: Patton. **MOTION CARRIED.**

31. Consider an ordinance amending Section 23-3-304, Article 23-3, Chapter 23, Lawton City Code, 2005, relating to the regulation of tinted windshields on vehicles, providing for severability, and declaring an emergency. Exhibits: Ordinance 06-____.

Vincent stated the State of Oklahoma has decided that materials, films and application with a mirror like finish cannot be used on windows of cars. This is currently a state statute enforceable only in District Court. The Lawton Police Department has requested that we be able to enforce this in Municipal Court.

MOVED by Warren, **SECOND** by Haywood, to approve **Ordinance 06-46**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. **MOTION CARRIED.**

(Title read by City Attorney) Ordinance 06-46

An ordinance pertaining to vehicles and traffic amending Section 23-3-304, Article 23-3, Chapter 23, Lawton City Code, 2005, to conform with state law by: (1) excluding certain material from the definition of "glass coating material," (2) removing the definition of "multipurpose vehicle" from the section, and (3) deleting an exemption for automobile manufacturers or multi purpose vehicles in compliance with federal motor vehicle standard 205, providing for severability, and declaring an emergency.

REPORTS

Haywood questioned what is being done about people who are living in a home without water.

Vincent stated they are in violation of both the City Code and the State Statute. They would be turned in to the health department under a health code violation. We have a contract with the Comanche County Health Department to enforce the health code for us.

Mitchell stated all he needs is the address.

Patton stated at 67th and Cache Road, cars turning north onto 67th are trying to turn into Walgreens and they are backing up traffic.

Shanklin stated there is a prarie dog problem at Lawton High baseball and football fields. Before they can even have a ballgame they have to fill the holes. He feels we need to do something.

Kim Shahan, Parks and Recreation Director, stated in 2002 staff relocated 8,000 prairie dogs. Because they are not able to sustain that type of work force for that project, they have probably 12,000 by now. They do what they can to sustain them in certain areas. He provided the City Council with a brochure from a company that controls the prairie dogs and the owner has agreed to visit Lawton and give them a plan of attack to deal with this problem.

Mitchell questioned if staff spoke with Lawton Public Schools regarding partnering on this project.

Shanklin stated they should be willing to participate.

Shahan stated this company is set up to where we could acquire the equipment.

Warren stated when we have done this before, we have had to relocate them ourselves. This company would take them away and this would not be our problem anymore.

Shanklin stated they need to learn the system or get rid of them altogether.

Shahan stated he would use his travel and training money to pay for the owner of the company to visit Lawton.

Shoemate stated he has had a lot of complaints about people scattering trash down Sheridan Road and 11th Street while going out to the landfill. He questioned if a trash truck could make a trip down those roads once a day and keep that clean.

Jackson stated that could be a police issue.

Mayor Purcell stated there will be a policy in the future that would allow the Municipal Court Judge to sentence people to community service. If they are caught littering they will be spending some time picking up that litter.

Mitchell stated he will be on vacation from July 21 30.

There being no further business to consider, the meeting adjourned at 8:40 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.
JOHN P. PURCELL, JR., MAYOR

ATTEST:

/s/ Traci Hushbeck
TRACI HUSHBECK, CITY CLERK